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8 *Interim Lead Class Counsel in Cameron, et. al*  
v. Apple Inc., Case No. 4:19-cv-03074-YGR

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10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 OAKLAND DIVISION

13 IN RE APPLE IPHONE ANTITRUST  
14 LITIGATION

Case No. 4:11-cv-06714-YGR (TSH)

**DEVELOPER PLAINTIFFS' RESPONSE  
TO APPLE INC.'S STATEMENT IN  
RESPONSE TO ORDER TENTATIVELY  
DENYING ADMINISTRATIVE MOTION  
TO MODIFY CASE SCHEDULE**

18 DONALD R. CAMERON, et al.,  
19 Plaintiffs,

Hon. Yvonne Gonzalez Rogers  
Case No. 4:11-cv-06714-YGR (TSH)

20 v.

21 APPLE INC.  
22 Defendant.

23 EPIC GAMES, INC.  
24 Plaintiff, Counter-defendant

Case No. 4:20-cv-05640-YGR (TSH)

25 v.

26 APPLE INC.  
27 Defendant, Counterclaimant

1           Developer Plaintiffs respectfully submit this response to Defendant Apple Inc.’s Statement in  
 2 Response to Order Tentatively Denying Administrative Motion to Modify Case Schedule.<sup>1</sup>

3           In its Order Tentatively Denying Administrative Motion to Modify Case Schedule (Order),  
 4 the Court directed Apple to advise by January 4, 2021 whether it had produced certain transactional  
 5 data on or before December 31, 2020, and if not, to say when it would do so.<sup>2</sup> But instead of  
 6 submitting the simple statement contemplated by the Order, Apple filed a six-page brief with  
 7 argument, a new proposal for altering deadlines, and two declarations, one of them accompanied by  
 8 exhibits.

9           Apple evidently seeks to re-litigate the long-running dispute between it and the Developer  
 10 Plaintiffs regarding the production of transactional data. But that dispute was resolved—following  
 11 briefing and argument—by Magistrate Judge Hixson’s recent order requiring Apple to produce the  
 12 data, and to include the “proceeds\_reason” field as part of that production.<sup>3</sup> Developer Plaintiffs  
 13 submit this response in order to note their strong disagreement with Apple’s characterization of the  
 14 underlying history of that dispute and to note, and refer the Court to, their prior submissions  
 15 outlining the facts on which the dispute was already resolved by Magistrate Judge Hixson.<sup>4</sup>

16           Developer Plaintiffs also write to respond to Apple’s new proposals regarding scheduling  
 17 adjustments. Apple suggests either moving “all the deadlines”—class-certification related, as well as  
 18 its trial date with Epic—eight weeks forward, which would require class certification motions to be  
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20           <sup>1</sup> Apple’s “Statement” appears at *Cameron, et. al v. Apple Inc.*, N.D. Cal. Case No. 4:19-cv-  
 21 03074-YGR, at Developer ECF No. 217. All citations are to the developer docket and identified as  
 22 “Developer ECF No. \_\_\_\_.”

23           <sup>2</sup> Order (Developer ECF No. 203) at 3 (“[I]f Apple produces the transactional data ordered by  
 24 Magistrate Judge Hixson by December 31, 2020, the briefing on the motion for class certification  
 25 shall remain as ordered. If not, the Court will grant the request and reset a briefing schedule. Apple  
 26 shall file a notice by Monday, January 4, 2021 confirming whether the production was made. If not,  
 27 Apple shall provide the Court with a date certain for the production.”).

28           <sup>3</sup> See Discovery Order (Developer ECF No 192) at 7-8.

29           <sup>4</sup> See, e.g., Joint Statement Regarding Apple’s Production of Transactional Data (Developer ECF  
 30 No. 147-3) and Exhibits thereto; Decl. of Benjamin J. Siegel in Supp. of Administration Mot. to  
 31 Modify Case Schedule (Developer ECF No.159-4), ¶¶ 28-38 and Exhibits thereto (setting forth  
 32 history of parties’ transactional data negotiation).

1 filed on March 31, 2021.<sup>5</sup> Alternatively, Apple suggests that the Court “defer all class-certification  
 2 briefing until after the Epic trial has concluded.”<sup>6</sup>

3 The Developer Plaintiffs note that they initially moved to reschedule the class certification  
 4 motions deadline to April 16, 2021 (though their request was made “subject to Apple’s completion of  
 5 data and document production by December 31, 2020”).<sup>7</sup> And though Apple did not complete these  
 6 productions by December 31, 2020, the Developer Plaintiffs continue to believe that April 16, 2021  
 7 is a workable deadline, provided Apple delivers both its transactional data, and separate cost data  
 8 that Judge Hixon has ordered produced,<sup>8</sup> no later than January 22, 2021.<sup>9</sup> Of course, the Developer  
 9 Plaintiffs would expect Apple to comply with its other discovery obligations promptly as well,  
 10 including as to depositions and further productions of documents and data (whether addressed by  
 11 Judge Hixson’s discovery orders or otherwise). In the alternative, Developer Plaintiffs do not oppose  
 12 Apple’s request that the class certification motion deadline be set for a date after the *Epic v. Apple*  
 13 trial is concluded.<sup>10</sup>

14 Developer Plaintiffs will coordinate with all parties to submit an amended pretrial schedule  
 15 keyed to whatever deadline the Court sets for class certification motions.

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21       <sup>5</sup> Developer ECF No. 217 at 1.

22       <sup>6</sup> *Id.*

23       <sup>7</sup> See Developer ECF No. 159-3 at 1.

24       <sup>8</sup> See Developer ECF No. 192 at 6-7.

25       <sup>9</sup> In any event, because the cost data also are responsive to Epic’s requests for production, Apple  
 is obligated to produce those data by today, the deadline for completion of document production in  
*Epic v. Apple*.

26       <sup>10</sup> If the Court defers class certification briefing until after the *Epic v. Apple* trial, it nevertheless  
 will, at the time of that trial, have Class Plaintiffs’ responses to Apple and Epic’s joint briefing on  
 trial elements, legal framework, and remedies. That *amicus* briefing is presently due two weeks after  
 Apple and Epic’s submittal.

1 Respectfully Submitted,

2 DATED: January 6, 2021

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